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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN PETTITT, MURPHY LABRADOR
CORPORATION, MAX GSD TRUST OF
1998 BY BARBARA MUSSER,
TRUSTEE,

Plaintiffs,

v.

JOHN CHIANG, individually and in his
capacity as STATE CONTROLLER OF
THE STATE OF CALIFORNIA,

Defendant.

Case No.: 07-CV-05854 CW

**DECLARATION OF JON ARNESON
RE: FILING OF NOTICE OF APPEAL**

Date: August 14, 2008
Time: 2:00 p.m.
Dept.: 2

I, Jon Arneson, declare:

1. I am a legal secretary with the firm of Doherty Georgeson Kerley LLP. I have been employed in that capacity in excess of 20 years. I also serve as the office manager of Doherty Georgeson Kerley LLP.

2. On May 20, 2008, I assisted in e-filing of a notice of appeal in this action. I personally observed Rita Coe and oversaw her efforts to e-file the notice of appeal. I did not realize at the time that a filing fee was needed and that this document would not normally be e-filed. I thought the notice had been received by the court.

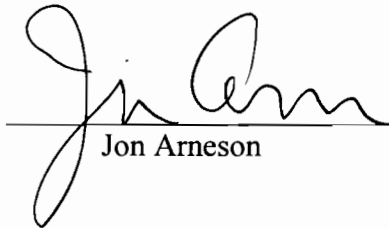
1 3. On July 2, 2008, after discussions with the clerk of the court, it was discovered
2 that the notice of appeal had not been logged in or acknowledged within the electronic system. I
3 checked my records and for the first time realized that I had not received an e-mail notification
4 of the filing. I checked the court docket and confirmed that the notice of appeal did not appear.

5 4. I called the clerk's office which also confirmed that there was no evidence of the
6 e-filing and it was suggested I speak to Judge Wilken's clerk.

7 5. I spoke to Sheilah Cahill, Judge Wilken's clerk who confirmed that the chambers
8 copy of the notice of appeal sent to her would have been routinely discarded. She suggested
9 perhaps filing a motion for an extension of time to file the notice of appeal.

10 I declare under the penalty of perjury under the laws of California and the United States
11 that the foregoing is true and correct and, if called as a witness, I could testify competently
12 thereto. Executed on July 8, 2008, at San Rafael, California.

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Jon Arneson

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